

REMARKS

Claims 1, 5, 8, 12 and 13 are amended herein. Claims 1-8, 10-13, 15-16 and 18-19 are pending and under consideration.

Independent claim 1 (used as an example) recites based on a length of the defect, classifying the defect into a first category indicating that the data is normally recordable and normally reproducible and a second category indicating that the data is not normally reproducible even though the data is normally recordable. In contrast, Takasago teaches that when the off-track signal exceeds a first time interval T_1 , recording is stopped and in a read-after-write operation, data is re-recorded. Takasago, col. 3, ln. 28-36. However, the read-after-write operation indicates that the data is not normally read out (reproducible). Takasago, col. 3, ln. 50-55. Therefore, even though the Office Action relies upon column 3, lines 25-60, it is noted that this portion classifies the defect according to the duration of the off-track signal.

Thus, the defect is classified according to the duration of the off-track signal in Takasago, as compared to the length of the defect, as claimed in claim 1. A factor in this distinction is that Takasago is directed to an external disturbance causing the off-track. In contrast, the claimed invention addresses dirt, dust, scratches or disk manufacturing errors causing off track. Present paragraph 18.

The remaining references do not overcome these deficiencies.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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